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A
S E R M O N

Preach'd in the
Metropolitan Church

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O F

St. P E T E R in York,

ON SUNDAY, July 20. 1729.

AT THE
ASSIZES held at York

Before the HONOURABLE

Mr. Justice P A G E,

A N D

Mr. Baron H A L E.

By ROBERT BURROW, LL.D.

*Publiſh'd at the Request of the High-Sheriff, and the
Gentlemen of the Grand-Jury.*

L O N D O N:

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SEERMON

Metropolitan Church

SEERMON in York

ON SUNDAY, JAN. 20, 1750.

AT THE

ASSIZES held at York

Before the Honourable

Mr. Justice P. and B.

Mr. Baron H. A. L.

By ROBERT BURROW, M.D.

Author of the

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T O

WILLIAM HARVEY, *Esq;*

High-Sheriff for the County of York,

And to the

GENTLEMEN of the GRAND-JURY.

WILLIAM WARD, Doctor of Laws, Foreman,

Edward Challoner, *Esq;*
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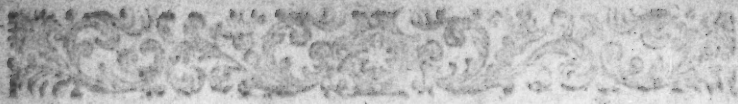
DISCOURSE

Is Inscrib'd by

Their most Obedient

Humble Servant,

ROBERT BURROW.



T O

WILLIAM HARVEY, Esq.

High-Sheriff for the County of York,

And to the

CITIZENS of the GRAND-JURY.

WILLIAM WARD, Doctor of Laws, Foreman,

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John Farrow, Esq.	Richard Farrow, Esq.
Thomas Farrow, Esq.	Richard Farrow, Esq.

The following

DISCOURSE

Is intended by

Their most Obedient

Humble Servant,

ROBERT BURROW.



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PSALM LXXXV. Ver. 10.

Mercy and Truth are met together, Righteousness and Peace have kissed each other.



I will not be necessary to enquire accurately and solicitously, whether these Words of the *uncertain* Psalmist (for *David* it could not be) are to be understood of the *then present* Felicity and combined Virtue of the *Jewish Nation*, after their Return from the *Babylonish Captivity*: Or whether, as other Expositors think, they are *prophetically* or *precatively* descriptive of what *should be* in some other Time to come; and what the good Man, full of Concern and Affection for his Brethren and Zeal for the publick Welfare ardently wish'd to God *might be* the Case of his *Nation*, and himself might be a joyful Witness of.

THE Decision of this is of little or no Importance to us, since, according to either Interpretation and Opinion herein, the Words may afford us a proper Occasion to consider *Mercy*,
Truth

Truth and Righteousness with Peace, as blessing and adorning both private and publick Life.

THE *latter* of these is the Idea most directly here presented to us; *national* Virtues and *national* Felicity, with a great deal of lively Figure and Ornament of Words, being the agreeable Subject of this whole *Psalms*. Nevertheless the former Idea, *viz.* of these Virtues *adorning private Life* is very far from being here excluded.

THESE are two Considerations that should not wholly be disjoined, and indeed the Things themselves *cannot* be so, because the Righteousness of private Men, their Love and Practice of Mercy and of Truth, and all their Virtues *do happily affect the Publick*.

WHICH Truth I propose to set forth in such a manner as may Influence us to the Practice of these Virtues, and then

To consider them *more directly as adorning publick Life*, and as met together in *solemn and most conspicuous* manner for the Conservation of the publick Peace and Happiness.

AND this also I shall endeavour to do in such a manner as may help to excite us all to fill up the Measure of our Duty as we are *Men*, and as we are *Christian Men associated and concern'd together in Civil Life*.

1st. THEN let us observe (and let us make the right use of observing) that the Virtues of private Men have an Influence on the Publick.

THIS sort of Expression which we shall have Occasion in the Sequel to make use of, *viz.* of
private

private Virtues or of *private Life*, it must be here premis'd, is not so to be understood as if those *Virtues*, or such *Life* was in all respects *wholly and absolutely private*.

THERE can be no such thing as *absolutely private Life*, where there is *Government* — where there is *Society*. Some Men are called *private* in respect of others who bear *eminent* or *fix'd* and *stated* Parts or Offices in civil Administration and Matters that concern the publick Peace and Order: Yet *these* too are *occasionally* call'd to have some lesser Part and Concernment in Things, without which the Peace of the Community and the Course of Justice could not be preserv'd or go regularly on.

EVERY one is call'd upon as *Occasion* requires to bear such their reasonable Part: And if any should absolutely decline every thing of this sort whilst he is capable of it, he is an unworthy Member of Society, an unreasonable and ungrateful Person; and he may justly be *compell'd* to do his proper Part in serving the Community and the Government by which he is *protected*.

AGAIN, the *Virtues* which are practis'd in *private Life* have a plain Relation to Society. For how can Justice and Equity, Faith, Honour and Veracity be practis'd without Society? Are not the *Subjects* of them *Promises, Covenants, Contracts*, and such Things as in their Nature do suppose *more than one Party* concerned therein? And are not even the *privatest* *Virtues* of all connected

needed with and necessary to the Practice of those that are *directly Social*?

FROM this Nursery then of *private Virtue* comes that *Righteousness* and *Equity*, that *Mercy* and that *Truth* which are so respectable and amiable in *Courts of Justices*, and in every *eminent* and *publick Station*.

THE Foundation and Ground-work of their *Usefulness* who bear the most *eminent* Parts in *publick Administrations* has been laid before in *private Virtue* and *Integrity*.

FROM hence—from early and constant Care to distinguish betwixt Right and Wrong in *minuter things* frequently and ordinarily occurrent, come the Senses to be well *exercis'd*, and the Mind well-*imbu'd* with *Virtue*. Hence both the quick and ready Sense and Ability to judge well in Things of more *publick Nature* and *Importance*, and the well-try'd *Resolution* not to recede the least from the *Rule* and *Dictates* of *Equity*.

A PERSON'S Dignity or Office do not create his *Virtues*. No, the very same Qualities which always made and shew'd him *amiable* where he was seen *comparatively* but by a few, now shew him *advantageously* to a *larger Circle*, and make him *useful* in an *ampler Province*.

THE Importance of his Charge will indeed make him *doubly careful* and *studious* to preserve and to exalt the *Virtues* he was before possess'd of. The wisest and the best of Men are never above the *Necessity* of careful *Diligence* to cultivate and carry on their *Virtues*.

EVERY

EVERY Part and Portion of Life demands some of this Care, and the most momentous and fullest Parts of it undoubtedly require the most of it: Nor can the Importance of publick Administration of Justice, the very ill and wide extending Consequences of a *negligent and wrong*, or the contrary important Consequences of a *diligent, exact, and careful executing of Judgment*, too much employ the private Meditations of those that are therewith intrusted. But to return to and proceed in the Establishment of our Proposition:

THE same Thing will easily appear in another Branch or Instance, *viz.* That the publick Administration and Course of Justice, and consequently the Peace and Welfare of a Community, will be either obstructed or promoted as the Minds of those who are *occasionally* call'd into Courts of Justice, have been well or ill tinctur'd, as their habitual moral Temper has been form'd by their *ordinary Course of Life*.

If this be too * plain a Truth to attempt an elaborate Proof of, in a *controversial* or in a *scholastic* Way, yet is it of Importance enough to be inculcated in regard to *Practice* and for the *Influencing of our Lives*.

* Though the contrary hereto may for any Thing that I know be held by some, and may indeed be deduc'd as a *proper Corollary* from a *general Maxim* that has not very long ago been advanc'd amongst us, *viz.* That *private Vices are publick Benefits*.

CONSIDER we then, that a Man who has habituated himself to a Violation of Truth and Right in his private and common Life, to satisfy a great and a long indulged Avarice or Malice, such a one will *in Course* make no Scruple to do the same Things in a *Court of Justice* when he can equally gratify the same Passions, and when he apprehends no ill Consequences to himself by a Discovery of his Iniquity. And thus he renders himself most highly obnoxious to *divine Anger*, whilst at once he Sins against his own Soul, and introduces such Abundance of Mischief amongst his Brethren.

BUT to carry this on in the *most agreeable Way*, since it may be as useful, and since Arguments address'd to Men's *Ingenuity* have indeed, if they are at all hearkned to, the *best and fullest Effect*. Suppose we any good Man whatever summon'd to bear his Part in the *executing of Judgment*; his Part and Acting there must of Course be *good and useful*. The Man will still be like himself; for how should one that has ever lov'd and practis'd what is fair and just, that has been accusom'd to *speak* and to *do TRUTH* in *Retirement* and *comparative Privacy*, be mov'd of a sudden to contradict all his former Life, to change his habitual Sentiments to extinguish a lively Sense of Honour and Piety, and a Principle gradually grown into great Strength and Vigor—to extinguish it, I say, in a Moment, and be capable of *Unrighteousness* and *Falseness* in the *most important Matters* and
in

in the *most flagrant Manner* in the *Gates of his City*?

LET a Man be of *low Rank* in *Life* (and of *that Degree* there are always *the most* in all *Communities*) but a *Lover of Truth and Equity*. Should such a one, as such frequently are, be required to give his *Attendance at the Seat of Judgment*, mean as he is, he is not without *Significancy* and some *Importance* there. He *bears his Testimony* concerning any *Fact* he is examin'd in, with *Sanctity* and *Honour*. For the *poorest Man* may and should have *Honour*. His *Integrity* is his *Honour*, as it is his *Treasure*. His *Poverty* does not weaken his *Evidence*. When his *Character* appears to be good, it has *Weight and Credit*—as much at all times as a *richer Man's Testimony*, and a *great deal more*, if the *Veracity* of that *richer Man* should upon good *Grounds* be doubted of, and a *Blot* appear upon his *Character*.

Now by this *Occasional*, and as it might seem but very *small part of publick Life*, this *Man* is thus call'd to and thus discharges, *Iniquity* is in *some Degree* weakened (and by many such *Instances* consequently in a *great Degree*) and *Right* supported. And this *poor Man*, though he be not of equal *Significancy* with the *poor Man* that should *directly save a City*, yet he has his *Merit*, his *Usefulness* to the *Publick*: And he has contributed his *Mite* to the *Conservation* and to the *free Course* of *THAT* which is a *greater Security* to a *City* than *Towers* and *Walls* even of *Brass*—of *THAT* without which a *People* must necessarily

make a contemptible Figure amongst their Neighbours, and be in the most miserable Disorder and Confusion amongst themselves.

THIS, I say, is what the *poorest* and *meanest* may do. Others of greater Abilities, of better Education, of greater natural or acquir'd Endowments and of the same good Qualities and adherence to Virtue may, as they shall happen to bear any suitable Part in forwarding of publick Justice and consequently promoting Truth and Peace, undoubtedly be capable of giving their Neighbours and their Country a *larger Interest and Profit* arising from their *accumulated and every way cultivated* Virtues.

* [THE *natural Combination* that there is of Virtues with one another, as Moralists generally observe, and which the Text might give us a fair Occasion, would the Time permit it, to speak more largely of, this does not when the Thing is rightly understood, and too much *Rhetorick* does not mix it self with it, at all interfere with any Motives or Exhortation to Men to *cultivate* Virtues, and with much Care and Application to add to *Righteousness Truth*, to *Truth Mercy*, to *Mercy Faith*, *Patience*, pious *Hope* and *Trust in God*, and in a Word every Grace and Virtue that can be nam'd or thought of. Well may a *single and detach'd* Virtue—a Virtue that is by some odd Inci-

* All included in this Parathesis was omitted in the Preaching from a Fear, and as I now think a needless one, lest the usual Time should have been considerably exceeded.

dent separated and torn away from its naturally individual and dear Companions, make but an odd and contemptible Figure, and be incapable of producing any considerable Quantity of Good, or of contributing to the Good and Happiness of Mankind with any *Uniformity*, with any *Gracefulness*, or with *Certainty*. Well may such a Virtue droop, languish, and die.

THE common Observation is certainly just and good, That Virtues are *of Kin* as it were to each other, so that, where no Obstruction is put, it is in the Nature of them to introduce each other, and to dwell together in the same Breast in the most friendly and agreeable manner. We may use the Expressions and Figures which the Text furnishes us with and say, that they naturally and kindly *meet together*, or that they *meet together and kiss each other*.

BUT then we are to mind this withal (and good Life and Practice is not a little concern'd in our attending to it) that it does not follow from what has been said, or from what can be said *truly* of the *Concomitancy* and natural *Combination* of *Virtues*, that one Virtue does introduce another, and so the whole Chorus of them is introduced into any Man's Heart *whilst he is asleep*, or *without his Care* to implant and to cultivate and cherish *every one* of the Virtues he is possess'd of.

WE may make use of an Allusion upon this Occasion where there will be no Danger of even the warmest Imagination being struck too *vividly* and *strongly*, so as to dwell upon the Figure

gure to the *loss of the Substance* and practical Instruction. And this Allusion may be the more proper as it is suggested to us by, or may at least very naturally arise upon the Consideration of our *Text* together with its *Context*. For there we see an *Increase of Righteousness* and other *Virtues*, and an *Increase* also and *plentiful Produce* of the *Fruits of the Earth* together describ'd, together prophecy'd of, together pray'd or hop'd for.

Now the Seeds of all the vegetable World, of Herbs and Fruits so necessary to the animal Life of Men, these all from the *intrinsic Nature* and *essential Properties* of them, together with a *Suitableness of Soil*, and with the *kindly Dew of Heaven*, in a Word, through God's *Benediction* and *Constitution*, do increase and multiply, we see, in a very surprizing Manner. Nevertheless this does not supersede the Husbandman's *continual Care* and *Labour* to improve every Advantage. There is still room left, there is still Occasion, nay, there is still even absolute Necessity for his *Vigilance* and *Pains*.

AND it is the same in *Spirituals*. The ALMIGHTY FATHER has not formed *Man* without a Capacity, without a natural Principle, a PROLIFIC Principle of *Virtues*; neither did he leave this his excellent and superior Workmanship without his suitable and superior BENEDICTION. He has bidden *Virtues* to encrease and multiply and to grow up kindly together in the Hearts and Lives of Men, the Dew of Heaven watering them also.

also. But withal it is a PART of this wise Constitution and Appointment of the ALMIGHTY, that both the *Fruits of the Earth* and the infinitely better *Seed of Virtue* should be cultivated and improv'd by *Man's continual Care and Labour.*]

BUT I am now, in the second Place, to consider *Mercy, Truth, and Righteousness* more directly as *adorning publick Life*, and as met together in *Solemn and most Conspicuous* manner for the Conservation of the publick Peace and Happiness.

AND here it would be absurd not to have an Eye and reverend Regard first of all to the ROYAL THRONE, by which, and Authority thence deriv'd, all publick Justice is Administer'd and Peace preserv'd amongst us.

FOR the ROYAL AUTHORITY does* essentially actuate the Law, and give Life to all publick Administration.

NEVER

* Hence our Courts of Common-Law are held expressly in the King's Name; and the Royal Influence is so directly and fully recogniz'd, that the King is esteem'd and said even to be present in his principal Courts of Justice. And though some Courts amongst us are not held expressly in the King's Name, yet this is by no means an Argument that the Authority therein exercis'd is not derived from or dependent on the Crown. For nothing is plainer than that Bishop's Courts, for an Instance, which are not held in the King's Name, (i. e. not expressly) are yet held by the King's Authority; all Ecclesiastical Jurisdiction, as is well known, having been long since entirely annex'd to the Imperial Crown of these Realms. The Power to do what is done in Ecclesiastical Courts is by our Constitution plainly derived from the King.

NEVER is there a Polity so complete and happy; never is there a more *duly bound* or a more *grateful* LIBERTY than under the Government of a KING guiding *Himself* as well as governing his *Subjects* by STATED LAWS.

THIS was what a very wise and very eminent School of antient Contemplatists much (and with good Judgment much) admir'd and lov'd. But they

King. This could *never bear a Dispute* in Relation to Causes Testamentary, Matrimonial, and the like. And further the *whole Jurisdiction* of Ecclesiastical Persons, *quatenus in foro exteriori*, is *confess'd on all Hands* (says Bishop Gibson in the Introduction to his Code) *to be deriv'd from the Crown*.

AND to the same Purpose it may be observ'd, that in *other Courts*, which are not usually and customarily called the King's Courts, the Judges are *delegated* or *commissioned* to the Purposes and Business wherein they are respectively employ'd *by the King*. Even those which, by Reason of their comparative Inconsiderableness, have the *least* visible Marks of an Authority deriv'd from the Crown, must certainly act by Virtue of the *King's Laws* — must act in Virtue of *some* Authority, which Authority must in its Resource be the *King's Authority*. It is plainly *against the King's Crown and Regality* to set up or to acknowledge any Court which shall claim not to derive its Authority either immediately or mediately from the Crown. The King is *Supreme Governour* in all Causes Ecclesiastical, as well as Civil. He is the *Fountain of all Administration* of the one sort, and of the other, agreeably both to the *Statute of Appeals*, viz. 24 Henry VIII. and other Statutes of that and some nearly following Reigns, and also to our *later Laws*. But nothing that has here been said can be drawn (unless it be by Violence, and forcing of it against its Purport and my Intention) to support or favour any such Notions as — That the King is by our Constitution *above* or *excepted from the Law*, or — That He can *singly* constitute and *make Law*, or — Can *dispense with the Laws* amongst us.

had

had not our Felicity. For a well regulated Community and good Laws under *Kingly Government* was what *Plato* himself, and many or most of his eminentest Disciples, admir'd *but in Idea only*.

IN such a Government, the People having a certain allotted Share of Power and Legislation, but yet without (and at a sufficient and great Distance from) *Democracy*; the *Confusions*, the *unrestrain'd, excessive, tumultuous* Liberties or rather *Licentiousness*, and other Evils and great Inconveniencies of *Democracy*, or as it is more commonly tho' not more properly call'd, *Republicanism*, are unfelt.

FAR remov'd from *Aristocracy*, or the joint supreme Government of some principal Persons, the *violent Contentions*, and *dangerous Rivalings* of powerful Men, their secret Aims or their more open attempts of exalting themselves respectively to a greater Share in the Administration than is allotted them, or even of exalting themselves, as is frequently attempted, to sole *Supreme Power*, are at a distance all, and never break in upon our Tranquility and Peace.

SAFE also from *Tyranny*—Safe from the *Iron Sceptre* and *arbitrary Rule*, we know our Happiness, and let *Heaven* be Witness to our *Gratitude*, that so we may be ever Safe from it! for nothing but our Ingratitude and our Sins can bring that *Accumulation of Miseries* upon us.

THERE is a State perhaps of yet extremer Misery and Confusion—a State where every Man does that which is right in his own

Eyes without Controul — where every Man estimates himself his own Injuries, *i. e.* Injuries done or suppos'd to be done to him, and proceeds upon his own Estimation of them to punish the Doer of them; is *his own Judge*, and the other by an equal Right *his own Judge* too, and so the Ball of Injury is return'd and still kept up, and the eternal Continuance of Strife, of mutual Hatred, of Violence and War unavoidable.

YET it may be here observ'd withal, that *Tyranny* is besides its own proper Evils attended in *some Degree* with the common Evils and Miseries of *Anarchy* to.

MANY of the *same Effects* are produc'd, how different and distant soever they may appear to be from one another, by *Anarchy* and by *Tyranny*. And the living under a Law mutable and chang'd every Hour at the Caprice and Humour of a *Tyrant* is not in reality living under *any Law at all.

BUT we who live under a *legal Government*, under a *truly good* and *gracious King*, whilst we consider our *Happiness*, and make it a Motive to *Thankfulness* to God, and to all loyal Duty and Affection to the *King's Majesty*, should add also this other practical Reflection, *viz.* that *We* should be the most inexcusable of all Men, if *we should exercise Tyranny over our Brethren*, or should pretend to be the

* So in *Maximus Tyrinus*, πόλις τυραννομένη is πόλις ἀνομος. But *Authorities* are needless, and it is plain that *Reason* led him and judicious Men in all times to speak in that manner.

Judges and Avengers of our real or supposed Wrongs and Injuries.

UNDER such Government then, and thus encourag'd and enliven'd by *Royal Influences* thro' God's Mercy to us, *Justice* appears amongst us in its *solemn Seat*, with a Form that is *lovely* as well as *Venerable*, and in its * proper Company and Retinue.

As to TRUTH there is indeed no absolutely certain Method of coming always at the Knowledge of so much of it as will enable Men (how righteous and how wise soever) to determine clearly of *some* Things call'd into Question. And for that Reason private Mens *Veracity* in their *bearing Testimony* is of the greater Consequence to the publick Peace and Welfare.

TRUTH has often been said to lie deep as it were in a *Well*; the old Philosopher, and others after him who us'd that or other like Expressions, meaning, I presume, *Speculative*

* The *Coronation Oath* of our Kings may properly enough be referr'd to here, not only as being pertinent to the present Point in hand, but as being allusive also, it should seem, to the very Text, and expressing some of the Words of it. See therefore in Bishop Kennet's Register and Chronicle, p. 667. (*vel alibi*) an Oath taken at the Coronation of King Charles II, and there intimated to be one of the *usual* Oaths upon that Occasion. For the Bishop of London as Deputy to the Archbishop of Canterbury first asked the King his Willingness to take the *usual* Oath, and then says *inter alia*. Sir, Will you to your Power cause Law, Justice and Discretion with *Mercy and Truth* to be executed according to your Judgment? To which the King answers, *I will*.

or *Theological Truth*. But perhaps this might not be unjustly apply'd in some Cases to *Truth of Facts* too. For

THIS sort of Truths lie often so deep that *common Report* and even *History* it self, which should be very accurate and exact, do not always draw them out, do not always present them to us *clear* and *without polluting Injury*.

A CAREFUL and exact Man finds a great deal of Pains must be taken in the Course of his own Concerns and Commerce with Mankind to know what is *really Fact* or otherwise. And so likewise it is a Point of very great Consequence that is to be attended to in *Judicial Proceedings* to obtain the Knowledge of Facts, and the *true and real State of a Case*, without any kind of *unfair* or *mischievous Art* or *Engine*. And

IT may not be unsuitable to the Occasion to hint with Brevity that an OATH (all *Abuses* of it apart) comes not at all under any Thing of this but a quite contrary Notion and Character.

THE solemn Invocation of and Appeal to the DEITY, the *Oath of God* was pointed out so plainly by the *Light of Reason* as a proper Method of coming at Truth on this Occasion, as well as of *shewing publicly a Sense of Religion*, that it has been in common Use at *Tribunals*, and in the Administrations of publick Justice, in all Ages and Nations of the World.

Now as the whole Drift of the Christian Religion and all its Precepts do manifestly tend
to

to the Advancement and the Peace of Society, and the Promotion (in all Instances) of the *publick Good*: It cannot be conceiv'd, if it were for that Reason only, that our *Blessed Saviour* should wholly interdict amongst his Disciples the *Use of Oaths*, which do when they are not abus'd so directly and plainly tend to the Advancement of Society and the Preservation of Peace and Justice amongst Mankind.

THEY are evidently instrumental in *putting an End to Contentions*, and in *confirming* and quieting Mens Minds in dubious and dark Matters concerning the Truth of what is thus solemnly asserted, according as the Apostle observes, *Hebr. vi. 16. That an Oath is for Confirmation and an End of Strife.*

HAD Oaths been in themselves unlawful or improper they would not by God's Approbation and Appointment have been in Use amongst his People the *Jews*.

THE *Scripture* justifies what was above intimated that an *Oath* was an *Act of religious Worship*. *Deut. vi. 13. Thou shalt fear the Lord thy God and serve him, and shalt swear by his Name*; and in the Prophet *Jeremiah, c. iv. 2.* there is a parallel Place shewing that the above-named People were allow'd and commanded to *swear by the Name of the Lord, or as the Lord liveth*; and there is this Admonition withal, which is always either express'd or imply'd, that it be done *in Truth, in Judgment, and in Righteousness.*

BUT

BUT as apt a Mean as this is in it self for the bringing Truth to Light, yet has a Court of Justice (such is Mankind!) a great deal more to do than barely to administer Oaths to Men and to hear what they give in Evidence thereupon.

DIFFERENT, more or less disagreeing, and sometimes absolutely and entirely contrary Testimonies are to be heard with *patient Attention*, to be compar'd and weigh'd together; as also the Characters of Persons, and many Circumstances to be brought into a *nice* and an *accurate Scrutiny*.

AND by this means, and by the peculiar Advantages of a greater Number of Men being heard together, and Persons of Abilities and Experience concurring to make the proper Enquiries, and to give their Sense of the Result of them, we may very easily conceive, that a fuller Discovery of important Truth, such Truth as we are speaking of, may be made in a Court of Justice than out of it. Those are the Places we may reasonably expect to see it manifest it self in most *conspicuously* and *fully*.

THUS then, the Truth of Facts, the true State of a Case once appearing, a true Judgment and Decision of the whole Controversy is ordinarily made with little Difficulty; or if there should be any still, our Courts of Justice have either *immediately* or in their proper Resorts, all the Securities that human Wisdom can provide against the making even in nice and arduous Cases, an erroneous Decision or unrighteous Sentence.

BUT

BUT to proceed and to consider *Mercy* now as appearing in the publick Administrations of Justice amongst us.

A MAN must be a very great *Stranger* to our judicial Proceedings, to the *Spirit* of our *Laws*, and to the Temper and *Spirit* of our *Nation*, (which as we are a *free People* can not but be the same) who can imagine us to be destitute of or greatly defective in publick *Mercy* and *Humanity*.

THE good Nature of our Ancestors under the divine Goodness has taken Care for us that our *Laws* are not wrote in *Blood*, which was a Character of some antient *Laws* remarkable for their Rigor and Severity.

SANGUINARY *Laws* for * *Matters of Religion*, God be thanked, we have none.

THE *Wholesomness* of *Cruelties* (or even of *Severities*) in regard to Errors and Mistakes of quiet and peaceable Men is a Notion too contrary to good Sense as well as to good Nature for our *Laws* to be tinctur'd with it †.

NEITHER

* If there be any old Sanguinary *Laws* relating to *Papists* which are not directly repeal'd, yet they have long lain and do now lie so very dormant, that we may look upon them in a manner as obsolete, or at least it is the Sense of our Superiors and of the Legislature that they should be over-look'd.

And possibly it may be question'd too whether such *Laws* could ever be said to have related merely and purely to *Matters of Religion*.

† “ Men of refined and exalted Understandings—know that “ penal *Laws* in *Matters of Religion* are seldom advisable.

“ They

NEITHER are our Tribunals Witnesses to barbarous or inhumane Proceedings of any sort.

For real and certain Crimes, for Crimes that do indeed come under the Cognizance of the Magistrate, there must be *proportionate*, and therefore of Necessity there must be sometimes capital Punishment.

NOTHING can here be done by Mercy more than that the whole Affair and Process should be conducted and carry'd on (and is it not so amongst us?) with *Patience* and charitable *Tenderness* of Mens Possessions, Characters, Liberties, and most especially of their Lives; that all Opportunities should be given and ways open for Persons arraign'd and impeach'd of any Crimes whatever, to make their Defence.

Does not *Publick Mercy* wait on all that ever are brought to our Bars of Justice with Expressions of Good-nature and Charity? a *Charity that hopeth all Things*—that Hopes that Innocence and not Guilt * may appear: Charity and Patience leave them

" They would not easily contribute to the making them; and
 " when they are made would be glad to have them generally
 " lie dormant. They know that no Authority of Man can alter the Nature of Things, or justify a cruel or unjust
 " Sentence in the Sight of God. They are sure, that if to punish Men for their Opinions be not very right, there is no
 " Medium, it must be very wrong. 'Tis publick Robbery or
 " Murder to deprive a Man of his Life or Goods for his Religion, if it be not just in it self to do so as well as legal".
Difficulties and Discouragements, &c. p. 34.

* *Qu'il paroit*, commonly pronounc'd *Culprit*, answer'd immediately upon the Persons having pleaded *Not Guilty*. I do

not

them not in *any* Part of their Tryal. The *dam-natory Sentence* it self is not unmix'd, either with *Piety* or with *Charity*.

AND publick Mercy attends *yet further*.

PRISONS have within their Melancholy Walls some reviving Beams of publick as well as of private Charity by way of Provision for the Bodies and for the Souls too of the sad Inhabitants.

THE cruel Injuries which one, and that much the most numerous, Division of that unhappy Part of our *Fellow-Citizens and Brethren have of late been known to have suffer'd, in those Places where cruel Men thought *Mercy had nothing to do*, and (foolish as they were) that the *Eye of publick Justice could not Penetrate* into—these Injuries have with true Christian Sympathy been resented, and strong Provisions made by publick Care and Authority against inhuman and barbarous Oppressions of the already miserable for the time to come.

THUS Mercy makes the Lives of Men *tolerable* in Places which it *cannot Demolish*, or set the Doors of them *Promiscuously open*. The Doors of our Prisons however are not the very *Gates of Death*, are not absolutely unrepassable.

not indeed remember my Authorities for this Interpretation of *Culprit*, yet I believe it may pass for the *true* Interpretation, or at least for a *very probable* one, without vouching any Authority, which others may be able to do though I am not.

* In the largest Sense of the Word.

PUBLICK and PARLIAMENTARY Authority has very lately, we have seen, and to general Satisfaction it may be presum'd, open'd them to a considerable Number of unhappy Persons, who may very *usefully*, we hope, as well as *joyfully* enter again into the *sweet* and *gladsom* Air of LIBERTY, and participate again in all social Duties and common Privileges with the rest of their Brethren.

AND so does the ROYAL CLEMENCY sometimes open these Doors also to Prisoners of another sort — to some more excusable or compassionate Malefactors in consideration of *some particular Circumstances*, and where the Publick is humanly secure from Suffering any Damage.

PUBLICK MERCY can do no more. It cannot be stretch'd so as utterly to take away all *damnatory Sentences* and every thing in it self of an *odious Nature*, that thro' Mens own Follies and Crimes, do attend the publick Administration of Justice; it would be *Broken*, and *Society* be Broken, together with it, if it were.

It is evident that this would not be in real Pity or Mercy, but *Cruelty* to Mankind, the better Part of which would lose hereby all the *Benefit* and *Protection* they propos'd to themselves by *Social Life*, and would be left without any Place of Refuge or Hope of Rescue to be prey'd on and devour'd by violent and wicked Men.

IN a Word, *Anarchy* would follow from such a *Detaching* of Mercy from all its natural Companions; from thus *Sacrificing Justice*, I say not to Mercy, but to the *Shade* and *Ghost* of Mercy.

AND

AND this I think is all that need be said of *publick* RIGHTEOUSNESS or JUSTICE here distinctly by itself, because we have had so often Occasion to touch upon it in speaking of its KINDRED,—its COMPANIONS,—and of its SOLEMN SEAT and Place of shewing it self in the most conspicuous and observable manner.

SINCE therefore things thus relating to publick Administration, far above the Sphere of private Men to constitute or to meddle in, do by the great Mercy of God thus conspire with our *private Virtues*, whatever the united Quantity of them be, in our *common Happiness*; Let us set our selves to raise as large a Sum and Quantity of it as possibly we can, out of *Love to our Country* as well as out of *Love to our own Souls*; considerable Motives both to Men that are either *Ingenuous* or *Wise*!

LET us contribute every one of us in our proper Sphere all we possibly can to the Preservation of the publick Peace, and therefore to all regular Courses and Proceedings that belong thereto, with all manner of *Chearfulness*.

AND finally, let us as we are bounden, and bound by so many, so sacred, and so agreeable Ties, yield ever without any Remission, a hearty and chearful Obedience to our *Good and gracious King* whom God in his *great Goodness* to us has set over us, together with a quiet, peaceable and respectful *Submission* to those that are put in *Authority under him*, not for themselves but for the Preservation and Promotion of our COMMON HAPPINESS.

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